



**IT IS ORDERED as set forth below:**

**Date: May 12, 2022**

**Barbara Ellis-Monro  
U.S. Bankruptcy Court Judge**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:

KELVIN BERNARD JOHNSON and TRACEY  
ANN JOHNSON,

Debtors.

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S. GREGORY HAYS, Chapter 7 Trustee, for  
the Estate of Kelvin Bernard Johnson and  
Tracey Ann Johnson,

Plaintiff,

v.  
NEW DAY FINANCIAL, LLC,

Defendant.

CASE NO. 19-51667-BEM

CHAPTER 7

ADVERSARY PROCEEDING NO.  
20-6026-BEM

**ORDER**

On March 10, 2020, Plaintiff requested entry of default, and default was entered. [Doc. 4]. There has been no further activity in this proceeding. However, on October 22, 2021, Plaintiff filed an interim report in Debtors' bankruptcy case that included the following statements:

2/3/2020 - The Trustee has identified an attestation issue with the first position security deed on Debtors' home and has filed adversary # 20-06026. If the Trustee is successful in the adversary, the Trustee intends to sell the real property located at 4815 Village Square NW, Acworth, GA 30102 free and clear of New Day Financial's lien.

6/30/2021 - Adversary outcome is contingent on outcome of case with similar facts in another matter. Trustee will act accordingly when the other matter is resolved.

[Case No. 19-51667 Doc. 34 at 2]. Pursuant to the Local Bankruptcy Rules, the Court may dismiss an adversary proceeding for want of prosecution if it "has been pending in the Bankruptcy Court for more than six months without any substantial proceedings of record having been taken[.]" BLR 7041-1(a)(3). Given the statements in the interim report, it is

ORDERED that Plaintiff shall file a status report or take some other action to advance this proceeding not later than **August 12, 2022**. Failure to comply may result in dismissal under BLR 7041-1 without further notice or hearing.

**END OF ORDER**

**Distribution List**

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